

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HOUSEHOLD KITCHEN OPENING APPLIANCE

the specification of which:

_____ is attached hereto.

X was filed on January 11, 1999 as
Application Serial No. 09/228,109
and was amended through Jan. 3, 2003.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified

below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.


Prior Foreign Application(s): None

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Roger S. Dybvig, Registration No. 19,319, 22 Green Street, Dayton, Ohio 45402.

Address all telephone calls to Roger S. Dybvig at (937) 461-1142. Address all correspondence to Roger S. Dybvig, 22 Green Street, Dayton, Ohio 45402.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Martin Brady

Inventor's signature: 

Date: 03/17/05 Citizenship: Ireland

Residence: Chesterfield, Chesterfield County, Virginia

Post Office Address: 12511 Spring Run Road

Chesterfield, Virginia 23252

Full name of second inventor: Anthony V. Cruz

Inventor's signature: _____

Date: _____ Citizenship: Spain

Residence: Thousand Oaks, Ventura County, California

Post Office Address: 3327 Silver Spur Court

Thousand Oaks, California 91360

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Declaration and Power of Attorney
Page 3 of 3

Martin Brady et al.
Docket 0166

Full name of first inventor: Martin Brady

Inventor's signature: _____

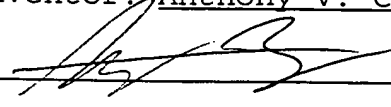
Date: _____ Citizenship: Ireland

Residence: Chesterfield, Chesterfield County, Virginia

Post Office Address: 12511 Spring Run Road

Chesterfield, Virginia 23252

Full name of second inventor: Anthony V. Cruz

Inventor's signature: 

Date: 3/11/05 Citizenship: Spain

Residence: Thousand Oaks, Ventura County, California

Post Office Address: 3327 Silver Spur Court

Thousand Oaks, California 91360



PATENT APPLICATION

In re application of:
Martin Brady

Application No. 09/228,109

Art Unit: 3724

Filed: January 11, 1999

Examiner: D. Watts

Docket No.: 0166

For: HOUSEHOLD KITCHEN OPENING APPLIANCE

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

STATEMENT OF ANTHONY V. CRUZ

I, Anthony V. Cruz, state that:

1. I am identified as a joint inventor of U.S. Patent Des. 417,129.

1. I was an original, first, and joint inventor of the invention disclosed and claimed in the above identified utility patent application no. 09/228,109.

2. Through error without deceptive intent on my part, I was not identified as an inventor when the above-identified application was originally filed.

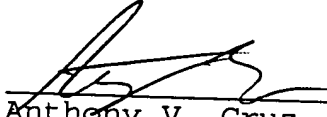
3. My contribution to the subject matter disclosed and claimed in the application was made while I was an employee of Hamilton Beach/Proctor-Silex, Inc., which then had a place of business at Glen Allen, Virginia. Martin Brady, who was originally identified as the sole inventor of the invention claimed in the application, was at the time of the invention and, on information and belief, still is employed by Hamilton Beach/Proctor-Silex, Inc.

4. When the above identified application was filed, I believed that I was a joint inventor along with Martin Brady of the design of the opening appliance, which is the subject of U.S. Design Patent Des. 417,129, but that I believed that I had not contributed to the utility aspects of the opening center. On or about January 22, 2005, during a telephone conversation with

Application No. 09/228,109
Statement of Anthony V. Cruz
Page 2

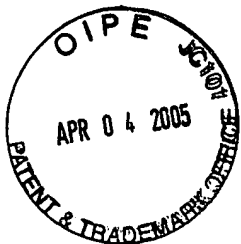
Martin Brady, I recalled that both Mr. Brady and I had contributed to the invention of utility features of the opening center because I proposed the provision of a scissors holder that engages and holds a scissors inside the sheath at the rear of the appliance.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Anthony V. Cruz

Date: 3/11/05



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Martin Brady

Application No. 09/228,109

Art Unit: 3724

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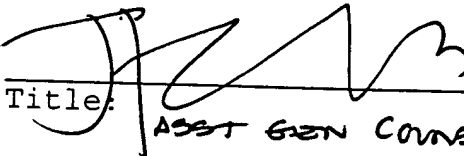
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

CONSENT OF ASSIGNEE

Hamilton Beach/Proctor-Silex, Inc. hereby consents to the addition of Anthony V. Cruz as a joint inventor of the subject matter of the above-identified patent application.

Hamilton Beach/Proctor-Silex, Inc.

By:


Title: ASST GEN COUNSEL